



LFUCG Operation and Maintenance Guidelines for Stormwater Controls on Private Property August 29, 2011

Homeowner Responsibilities

Detention Basins and Retention Ponds

In an area where a public easement exists, the property owner and LFUG share responsibility for the basin or pond. The property owner is responsible for non-structural maintenance such as mowing, litter removal, algae removal, tree limb removal, and landscaping. LFUCG is responsible for structural maintenance such as repairing severe erosion, removing excess silt, and removing large debris. LFUCG also repairs any structures that are failing, such as concrete flumes or pipes.

In an area without a public easement, the property owner is responsible for all non-structural and structural maintenance of the basin or pond.

A complete description of the owner's responsibilities can be found in the Basin Maintenance Policy at <http://www.lexingtonky.gov/index.aspx?page=1773>.

If you are not sure about your responsibilities toward a stormwater control device on your property, please contact Susan Plueger at (859) 425-2400 or at splueger@lexingtonky.gov.

Commercial and Industrial Property Owners

Detention Basins and Retention Ponds

All structural and non-structural maintenance of detention basins and retention ponds on commercial and industrial property is the responsibility of the property owner and manager. If there are any maintenance or repair concerns that need to be addressed, the property owner will be notified by LFUCG's Division of Water Quality.

A complete description of the owner's responsibilities can be found in the Basin Maintenance Policy at <http://www.lexingtonky.gov/index.aspx?page=1773>.



If you are not sure about your responsibilities toward a stormwater control device on your property, please contact Susan Plueger at (859) 425-2400 or at splueger@lexingtonky.gov.

Underground Stormwater Detention

This category includes underground pipe systems and vaults. The property owner is required to inspect these systems annually and provide a copy of the inspection report to LFUCG.

Section 16-88 of the Code of Ordinances requires the property owner to have a professional engineer conduct an annual inspection of underground or partially underground facilities and provide the results to LFUCG. DWQ reviews the inspection report for problems associated with the operation of the facility and takes appropriate enforcement action if necessary to correct the problem. If the owner fails to submit the inspection report, LFUCG notifies the owner in writing that they have 30 days to submit the report or be subject to enforcement.

For these types of facilities, the private property owner is required to conduct all necessary maintenance for these types of facilities.

Other Stormwater Quality and/or Quantity Control Devices

This category includes all other stormwater quantity and/or quality control devices. These may include above ground elements such as permeable pavements, bio-retention, constructed wetlands, etc., or partially below ground elements such as infiltration chambers, sand filters, catch basin inserts, vortex manholes, water quality units, etc.

Underground Devices: Units are considered to be “underground” if the structure requires a confined-space entry in order to inspect the structure for function and condition. Underground Devices are subject to Section 16-88 of the Code of Ordinances, which requires the property owner to have a professional engineer conduct an annual inspection of underground or partially underground facilities and provide the results to LFUCG by January 31st of each year.

Above Ground Devices: If the structure does not require a confined-space entry to inspect, then it is not considered “underground” and an annual inspection performed by a Professional Engineer is not required. (Determination on whether a structure is “underground” or “above ground” shall be made by the LFUCG Division of Water Quality.) However, as part of the new development permitting process, the commercial/industrial property owner is required to sign the “*Commercial, Industrial Agreement to Maintain Stormwater Management Facilities*” with LFUCG. This



agreement requires the property owner to implement an inspection and maintenance program, and submit an annual inspection report to LFUCG by January 30th of each year. If the owner fails to submit the inspection report, LFUCG notifies the owner in writing that they have 30 days to submit the report or be subject to enforcement.

For both above and below ground systems, DWQ reviews the inspection report for problems associated with the operation of the facility and takes appropriate enforcement action as necessary to correct the problem. If the owner fails to submit the inspection report, LFUCG notifies the owner in writing that they have 30 days to submit the report or be subject to enforcement.

In all cases, Section 16-88 of the Code of Ordinances requires the property owner to conduct all necessary maintenance.

In addition to the inspections performed by the property owner, LFUCG conducts an inspection of all Other Above Ground Stormwater Control Devices at least once every 5 years to ensure that the property owner is aware of and maintaining the structures. Appropriate enforcement action is taken where necessary to correct a problem